

**Attachment 2**

**To**

**Initial Brief of**

**Global Crossing Local Services, Inc.**

**Illinois Commerce Commission Docket No. 00-0700**

**COMMISSION CONCLUSION AND ORDERING PARAGRAPHS**

1. Commission Conclusion re Paragraphs 1, 2 and 4 of Section IV, Initial Brief:

Commission Conclusion

The Commission finds that Ameritech's Permanent Tariff does not comply with the Commission's prior TELRIC Order requiring that all tariff provisions relating to rate elements for UNEs be specific and clear as to how and when these charges apply. (TELRIC Order, at 90). The rate elements applicable to UNEs cannot readily be determined even by a thorough examination of Ameritech's tariffs. The Commission recognizes that several of these rate elements are under investigation in this and other dockets, including Docket No. 98-0396. In order to provide some degree of clarity and certainty to the pricing of the unbundled network element platform ("UNE-P"), and subject to the determinations made on the costs and applicability of rate elements in this and other dockets, the Commission finds that the following rate elements are the only rate elements that apply to a migration of existing UNE-P consisting of a 2-wire basic service unbundled loop with unbundled local switching and shared transport ("ULS-ST"):

- a. Loop Service Order Charge, nonrecurring charge ("NRC") per order (Ill. C.C. No. 20, Part 19, Section 2, 1<sup>st</sup> Rev. Sheet No. 8);
- b. 2-Wire Basic Loop: monthly recurring charge ("MRC") based on Loop Area (i.e., area A, B or C) (Ill. C.C. No. 19, Section 2, 2<sup>nd</sup> Rev. Sheet No. 7);
- c. ULS-ST Basic Port Service Order Charge: NRC per occasion (Ill. C.C. No. 20, Part 19, Section 3, Orig. Sheet No. 41);
- d. ULS-ST Basic Line Port: NRC per port (Ill. C.C. No. 20, Part 19, Section 3, 1<sup>st</sup> Rev. Sheet No. 40);
- e. Daily Usage Feed, charge per message (Ill. C.C. No. 20, Part 19, Section 3, Orig. Sheet No. 42);
- f. ULS-ST Service Coordination Fee, MRC per bill per switch (Ill. C.C. No. 20, Part 19, Section 3, Orig. Sheet No. 42);
- g. ULS Billing Establishment Charge, if applicable, NRC per carrier per switch (Ill. C.C. No. 20, Part 19, Section 3, Orig. Sheet No. 42);

- h. ULS Originating Usage, charge per minute of use ("MOU") (III. C.C. No. 20, Part 19, Section 21, 1<sup>st</sup> Rev. Sheet No. 45);
- i. ULS Terminating Usage, charge per MOU (III. C.C. No. 20, Part 19, Section 21, 1<sup>st</sup> Rev. Sheet No. 45);
- j. ULS-ST Blended Transport Usage, charge per MOU (III. C.C. No. 20, Part 19, Section 21, 1<sup>st</sup> Rev. Sheet No. 45);
- k. ULS-ST Common Transport Usage, charge per MOU (III. C.C. No. 20, Part 19, Section 21, 1<sup>st</sup> Rev. Sheet No. 45);
- l. ULS-ST Tandem Switching Usage, charge per MOU (III. C.C. No. 20, Part 19, Section 21, 1<sup>st</sup> Rev. Sheet No. 45);
- m. ULS-ST Reciprocal Compensation, charge per MOU (III. C.C. No. 20, Part 19, Section 21, 1<sup>st</sup> Rev. Sheet No. 45);
- n. ULS-ST SS7 Signaling Transport, charge per message (III. C.C. No. 20, Part 19, Section 21, 1<sup>st</sup> Rev. Sheet No. 45);
- o. Ameritech Cross-Connection Service, MRC per cross-connect (III. C.C. No. 20, Part 23, Section 4, 1<sup>st</sup> Rev. Sheet No. 46); and
- p. Loop Service Coordination Fee, MRC per bill per central office (III. C.C. No. 20, Part 19, Section 2, 1<sup>st</sup> Revised Sheet No. 8).

The Commission further finds that for new or additional lines consisting of the same UNE-P, namely, a 2-wire basic service unbundled loop with ULS-ST, the only additional applicable rate element is the Line Connection Charge, NRC per termination (III. C.C. No. 20, Part 19, Section 2, 1<sup>st</sup> Rev. Sheet No. 8).

## 2. Commission Ordering Paragraph re Paragraphs 1, 2 and 4 of Section IV,

Initial Brief:

(\_\_\_) Ameritech shall file new tariff sheets as directed in Section \_\_\_ of this Order within 10 days of the date of this Order to enumerate the rate elements that shall apply to a migration of existing UNE-P consisting of a 2-wire basic service unbundled loop with unbundled local switching and shared transport ("ULS-ST"); and to specify that the only additional rate element that shall apply to a new or additional UNE-P consisting of a 2-wire basic service unbundled loop with unbundled local switching and

shared transport ("ULS-ST") is the Line Connection Charge, a nonrecurring charge per termination (Ill. C.C. No. 20, Part 19, Section 2, 1<sup>st</sup> Rev. Sheet No. 8).

3. Commission Conclusion re Paragraphs 3, 5 and 6 of Section IV, Initial Brief:

The Commission finds that Ameritech's restriction of its offering under the Permanent Tariff to existing UNE-P, and its refusal to provision new and additional lines to CLECs is unreasonable and unjustifiable. Ameritech bases its restriction on provisioning new and additional lines on various legal arguments, all of which were extensively investigated in this Docket, as well as investigated and briefed in Docket No. 98-0396. However, Ameritech's arguments stem from a tortured interpretation of the FCC's Orders, decisions in the Iowa Utilities Board line of cases, and its own view of whether the requirements of Illinois law are consistent with federal law. Separated from this sinuous legal reasoning, Ameritech's restriction on provisioning new and additional lines is nothing more than an attempt to contain competition from the CLECs by preventing them from offering the same telecommunications services that Ameritech routinely offers to its own customers. This restriction must be removed.

The Commission further finds that Ameritech's UNE-frame method of having a non-located CLEC combine UNEs results in the imposition of costs on the CLEC that Ameritech, as an ILEC, does not itself incur in order to provide the same telecommunications service to an end user over the same combination of network elements. The Commission finds that the imposition of such charges is contrary to Sections 251(c)(3) and 252(d)(1) of the federal Telecommunications Act of 1996, as well as to Section 13-801(a) of the newly amended PUA, all of which require that access to network elements be nondiscriminatory. The Commission further finds that Ameritech's UNE-frame method access charges cannot be recovered from a non-located CLEC as special construction costs incurred in combining network elements under Section 5/13-801(d)(3) because the costs of that method of access are not imposed on Ameritech's own retail end users; therefore, the requirement of Section 5/13-801(d)(3)(ii) of the PUA is not met.

4. Commission Ordering Paragraphs re Paragraphs 3, 5 and 6 of Section IV,

Initial Brief:

(\_\_\_) Ameritech's shall file new tariff sheets authorized to be filed by this Order to remove any restriction on the obligation of Ameritech to provision new or additional lines. Without limiting the foregoing, and because Ameritech's Permanent Tariff effects this restriction by use of the terms "currently combined" or "existing" as a modifier of combinations of UNEs, the Commission orders that Ameritech file new tariff sheets in which instances of the terms "currently

combined” or “existing” are replaced with the term “new or existing” so as to remove from the tariff any implication that Ameritech will not provision new or additional lines to CLECs.

(\_\_\_) Ameritech’s imposition of charges on non-collocated CLECs under its UNE-frame method of access, referred to as Method 2 in Schedule SJA-1, Ameritech Illinois Exhibit 3.0, Appendix UNE, is discriminatory and therefore violates Sections 251(c)(3) and 252(d)(1) of TA96. Further, such charges cannot be recovered from a non-collocated CLEC as special construction charges under Section 5/13-801(d)(3).